IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 338 OF 1998

IN

NOTICE OF MOTION NO. 1514 OF 1995

IN

SUIT NO. 1041 OF 1995

SHAMSUNDER KABRA ..APPELLANT

V/S

M/S. MASCOT DEVELOPERS & ORS. ..RESPONDENTS

SHRI V.L. DESAI - APP.

SHRI VIRAG TULZAPURKAR WITH MS. ALPANA KHARE

I/B KANGA & CO. ADVOCATES FOR RESPONDENT NO. 6.

CORAM: D.K. DESHMUKH &

J.H. BHATIA, JJ.

DATE : 17TH JULY, 2007.

P.C.

1. Heard counsel appearing for the Appellant. Perused the impugned order. Learned Single Judge has clearly held that the Appellant has come out with contradictory terms in relation to the allotment of the flat alleged to have been made in his favour. The learned counsel appearing for the Respondent No. 6 who has developed

the property states that the property has already been developed and flats have already been sold. In view thereof, there is no scope to interfere in the matter.

2. The Appeal stands disposed of.

(D.K. DESHMUKH, J)

(J.H. BHATIA, J.)